

PLANNING BOARD MINUTES
November 7, 2007

ROLL CALL:

Ruth-Ellen Post, Chairman – Present	Ross McLeod, Vice Chairman – Present
Nancy Prendergast, Secretary – Excused	Walter Kolodziej, Regular Member – Excused
Phil LoChiatto, Regular Member – Excused	Pam Skinner, Regular Member – Present
Neelima Gogumalla, Alternate – Excused	Rick Okerman, Alternate – Present
Alan Carpenter, Selectmen Member – Excused	Margaret Crisler, Selectmen Alternate – Excused

STAFF:

Al Turner, Director of Planning and Development – Present
Shaun Logue, Town Planner – Present

- *Ms. Post opened the meeting at 7:10 pm.*
- *Mr. Okerman replaced Ms. Prendergast.*
- *The Board stood and recited the Pledge of Allegiance.*

CORRESPONDENCE:

- Letter from Hebert Associates regarding rescheduling the Clarke Farm North site walk. Board discussion regarding the rescheduling Clarke Farm North and Pike Assisted Living site walks to 8:00 am this November 10. Members to meet at the Pike site then go to the Clarke Farm then to Windham Meadows;
- Letter regarding the road names that have been changed because of the Rt 111 bypass and an updated letter regarding the road name;
- Invitation for a social meeting of all Town groups and committees to discussion common goals;
- Postcard regarding the RPC Legislator’s Forum;
- Postcard titled “Consequences of Land Use Policy: Why and How NH Communities Can Grow Smart”;
- Plan NH annual update and membership guide;
- Letter from Herbert Associates requesting to continue the Clarke Farm North public discussion. Board discussion regarding continuing the meeting. Mr. McLeod motioned to move Clarke Farm North to November 28 at the applicant’s request. Ms. Skinner seconded. Passed 4-0.

BONDS:

- Windham Cooperative Kindergarten, final release of \$3,500. Mr. Turner stated that there are two lights that need to be removed. Board discussion about holding the bond until the lights are removed and staff to inform the applicant;
- Westchester Road, final release of \$7,500. Mr. McLeod motioned to release and to recommend that the Board of Selectmen schedule a public hearing to accept Westchester Road as an official town road. Ms. Skinner seconded. Passed 4-0.

PUBLIC MATTERS:

Butler Subdivision – 11 lots -- Public Discussion Continued
Wilson Road, lot 24-F-1120

Mr. Logue described the application including acreage, location, access, roadways, existing trail network, items to be discussed, and waiting for input from the police department. Ms. Post read the comments from the fire department.

Joseph Maynard, Benchmark Engineering, discussed the subdivision including acreage and soils, three roads are to be constructed, he explained how roads are measured and discussed the length of the roads, a temporary cul-de-sac will be at the property line, he showed the road stubs from Presidential Estates subdivision, Wilson Road does have a stub, the road approximately follows the old road, he will be asking to discontinue the old road and will be looking for the Board's support, Wilson Road is 28' wide with closed drainage, looking for direction for road layout and road widths, location of the detention pond is in residual land, asking for a waiver for the intersection percentage, and keeping a 50' buffer from the vernal pool. He read a letter from Attorney Campbell from 1990 regarding the measuring of roads with cul-de-sac. Mr. Turner stated that this is the practice that has been followed since that letter.

Mr. Turner stated that there is a current road through the property from Pelham, the temporary cul-de-sac allows to continue through to Pelham, similar to the discontinuance of Bissell Camp Road, and the old court case regarding the road was in the Hillsboro County records.

Board discussion with Mr. Maynard regarding the location of the trail, and the road is not defined. Mr. Turner explained what the applicant needs to do to discontinue the road, and the road length for temporary cul-de-sacs was discussed. Mr. Maynard showed the abutting properties and stubs that have been blocked. Board discussion regarding grading of abutting property, waiting for comments from the police department, and like the road design layout. Mr. Turner asked if there were any comments on the piece of land the applicant wants to deed to the Town that will have detention ponds on it. Board discussion regarding the area is wet. Mr. Turner will ask for comments again from the police and fire department. The Board completed the checklist for department comments. Board discussion regarding pavement widths, Wilson Road is 28', and potential foot traffic on the road to get to conservation lands and Tokanel field.

Public comment from Phil Currier of Pelham, stated his family trust owns the property to the south, asked about a drainage plan, does not agree that there is a road south of the Town line, he walked the property 25 years ago with Bob Thorndike and the road could not be found. Mr. Turner explained the Planning Board process and abutter notification. Board discussion that there is not a trail on Mr. Currier's property.

Mr. McLeod motioned to continue to the November 28. Mr. Okerman seconded. Passed 4-0. *Ms. Gogumalla joined the Board replacing Mr. LoChiatto.*

Common Man Parking Lot Reconfiguration – Public Discussion **84 Range Road, lots 17-G-26**

Mr. Turner described the plan including the location, he showed the parking lot changes as the Rt 93 expansion is taking part of the parking lot, the vacant building will be utilized, a new entrance way is being proposed for the restaurant, will have a nice pedestrian area, he showed the handicap parking spaces, the drainage will be redesigned, and the septic system will be redesigned.

Alex Ray, owner, reviewed the history of the property including keeping the barn, kept the other buildings but could not use them because of the septic system, thought the State was going to take the entire property but they are not, is getting a more sophisticated septic system that will allow them to use the other buildings, he showed the location of the expanded Rt 93, the internal function of the restaurant is changing, and will need a waiver. Board discussion regarding the fireplace will remain, the "pink" area on the map will be taken, and the other buildings will be for professional offices.

Karl Dubay, MHF Design, has met with the Heritage Commission in regards to saving the historic homes, DOT has been supportive, has met with DES regarding the septic design, may need to go to the ZBA for the front setback, want to continue the pastoral look, would like the Board's support, has some issues to work out with staff, met with Conservation Commission and they're supportive of the project, will update the DOT driveway permits, trying to save the existing silo, septic systems are being over designed, it will be like a small sewage treatment plant, and increasing the parking.

Board discussion with Mr. Dubay regarding the Common Man logo on the side of the silo is a sign, silo will not move, snow storage needs to be marked, it is an improvement over the current site, lighting plan will be included, and dark sky lighting is preferred.

Public comment from Peter Stamus, Dept of Transportation, stated that the DOT does support the plan, has been working with the applicant and engineer, and working to preserve the buildings.

Board discussion regarding the Board likes that they're avoiding a cookie cutter look, applaud their efforts, and one of the best examples of a development in keeping with character of the Town. The Board completed the checklist for department comments.

Doiron Special Permit – Public Hearing **8 Doiron Road, lot 13-K-37A**

Mr. Logue described the application for the Special Permit for work in the WWPD including 12,000-15,000 square feet of disturbance, location, the parcel is 7.9 acres, zoning variances have been received, building a 4-bedroom home within 100 ft of the wetlands buffer, and the plan is ready for public hearing. Mr. McLeod motioned to accept for public hearing. Ms. Skinner seconded. Passed 5-0. Mr. Logue continued regarding the wetlands have been delineated, and he read the staff's recommendations for approval.

Karl Dubay, MHF Design, stated the plan was the same plan that the ZBA and Conservation Commission have seen, the house area has been monumented, the remainder of the land will be for a conservation easement deed, the Town should get a boiler plate conservation easement deed, the Town counsel should review the deed, there will be erosion control around the boundaries and full recharge system for stormwater off the roof, septic system is in the front, well is on the side, he showed photos of the property, flood plain delineation has been checked, the basement is 10' higher than the flood plain, and a driveway easement is to be given to a neighbor to retain their driveway.

Mr. Turner stated that the Town attorney is currently reviewing the conservation deed, the road has been reconstructed with new culverts, the use is allowed by variance, the Board needs to make sure the plan meets the Special Permit requirements, there is a construction sequence with the plan, and other Towns mark the protected areas with markers.

Mr. Dubay stated they will be using orange construction fence to mark the areas, and there will also be a stonewall to mark the area along the back of the property.

Public comment from Michael Gath, 4 Cole Road, stated that it was his driveway that was in question, likes that they're using the orange construction fence, and would like written confirmation of the easements in the deeds before the start of construction. Mr. Dubay agreed to have the easements recorded before the start of construction, and asked which type of markers the Board would prefer. Mr. Turner described the type of marker that Nashua uses.

Mr. McLeod motioned to approve the Special Permit with the following conditions based on the Zoning Boards prior action and the applicants detailed construction sequence as noted on the plans: 1) Review and acceptance of the conservation easement deed; 2) Easement recorded prior to any surface clearing activities; and 3) The protected area markers to be placed subject to staff approval at the five turning points. Ms. Skinner seconded. Passed 5-0.

Bein Soinge Day Spa Site Plan – Public Hearing
183 Rockingham Road, lot 3-B-625

Mr. Turner stated the plan is ready for public hearing. Mr. McLeod motioned to accept for public hearing. Ms. Gogumalla seconded. Passed 5-0. Mr. Turner described the plan to reuse the current building on Rt 28, the new use will be more intense, variances were received, the parking lot has changed for the day spa, there are two driveway entrance ways, the turning radius will be widened, all of the 6,166 sq ft building will be used, a Special Permit is required for the parking lot, and the wetlands have been mapped and delineated on the plan. Mr. Turner read the variance received. He stated that the property is part of the Rt 28 master plan and corridor study. Mr. Turner read the requested waivers, and reviewed the staff's issues. Board discussion that this is not a minor site plan approval even though it is an existing building.

Joseph Maynard, Benchmark Engineering, stated that the applicant wants to change the Center for Life Management property to a day spa, Bein Soinge has outgrown their current space, the property is 3.75 acres, the building is 8,600 sq ft in size (6,166 sq ft will be for retail and service use, 967 sq ft for office use, and 1,379 sq ft for storage use), the building was constructed in the late 1800's and he reviewed the building's use and additions, the current parking lot is not striped properly, he showed on the plan where a parking lot could have been placed but it would have caused more disturbance and what they received the variance for, the property is surrounded by Spruce Pond open space, he showed the wetlands on the property and it functions as a detention pond. He stated the purpose of the plan is to: 1) change the use of the building; 2) expand the current parking lot to meet the current requirements; 3) show other improvements necessary to bring the site into compliance; and 4) show the signage locations. The existing sign is half-way in the right-of-way and it will be relocated, it will be 5' x 4' sign with downward lighting and be shut off by 10:00 pm, in 1996 two septic systems were installed and will accommodate the spa, he showed where a treed buffer is on the property, the nearest abutter is 900 ft away, and he reviewed the variances and Special Permit request. He stated that they're trying to get approval so they can purchase the property and open the spa in early spring.

Mr. Turner discussed the speeds on Rt 28 at this location, the sign will not be easily read because of the script writing, and the sign should be moved and made to be easily read. Board discussion regarding it is a destination type of business, speeds on Rt 28, the type on the sign is not the logo, and entrance signs should be used. Mr. Maynard stated two large trees will be taken down, and one way and entrance signs are on the plans. Board discussion regarding spelling on the plan, adding to the parking lot but not using closed drainage. Mr. Maynard described the drainage on the property. Board discussion with Mr. Maynard regarding drainage options for the property including closed drainage, leaching trench, the property has a low perc rate and low soil depth, get a Keach-Nordstrom review of the drainage, a waiver request has been asked for to waive the need for a drainage study, would the new paving surface that is porous work? The parking area would have to be reconstructed, 30-40% surface increase, and the entire drainage area needs to be looked at. No public comment.

The Board asked to see landscaping photographs, and would like to see a drainage study. Ms. Post polled the Board. The Board would like more information regarding the drainage and changes to the sign, continue the public hearing, Mr. Maynard should bring the drainage data in calculation form done

by a civil engineer and include a remediation plan, should the plan be reviewed by Keach-Nordstrom?, maybe use a collection treatment system, might not need a Keach review, and the calculations will help the Board make a decision. Mr. McLeod motioned to continue to November 28 and the applicant to bring revised drainage calculations. Ms. Skinner seconded. Passed 5-0.

Mr. McLeod motioned to waive the bylaws to hear new business after 10:00 pm. Ms. Skinner seconded. Passed 5-0.

Starbucks Café and Bank – Public Discussion

125 Indian Rock Road, lot 12-A 532

Mr. Turner stated that the application is for a Starbucks Café and a bank, the property is located on Rt 111, across from McDonalds, it is currently a ranch house, it is the Gateway District, it has historic walls on the property boundary on two side, the property has a turret, it will be a multi-tenant property, two drive up windows (one for the bank and one for the café), the Gateway District does allow drive-up windows, the DOT anticipated the development of the property and the driveway will be controlled by the traffic lights, the second entrance will be right-turn-in and right-turn-out, there is a 20' parking set back, and there is a 30% open space requirement.

Karl Duby, MHF Design, stated that the site will be developed after the Rt 111 improvements are done, there will be a median so the right-in and right-out design will work, the entire intersection will be rebuilt, the traffic signal will be at the property driveway, the Thompson family has owned the property for 80 years, it is a noisy intersection, Starbucks is a perfect fit, recommended that the Board look at the Starbucks' website, they are a company that gives back to the community, he showed the land that the State has taken, the stonewalls do not belong to this property, the stonewalls belong to the abutters, the property has sandy soils, the WWPDP has been located on the property, one abutter is Gateway District the other abutter is Rural Zoned, it will be a single story-structure, Starbucks will be 2,000 sq ft, a lobby connects Starbucks and a bank, he showed the location of the drive-up windows with a lot of capacity for cueing, he showed the traffic flow on the site, he described the architecture of the building including incorporating some Searles-like components, full-drainage study will be done, septic loading for a bank and Starbucks is low, water will be serviced from Pennichuck, and there will be one-way traffic circulation around the back of the building.

Board discussion with Mr. Dubay regarding the location of the drive-thru, Starbucks does not have a standard building design, would Starbucks consider restoring the turret? restoration is not part of the Planning Board authority, Mr. Dubay agreed to talk to the Heritage Committee and the abutters, and a 400 sq ft lobby will connect the two businesses. Mr. Turner stated that the stone? walls should be protected during construction. Mr. Dubay stated they have a buffer with the wall and want a buffer for the abutting residence. Discussion continued that there is a buffer requirement in the ordinance, the Board will have questions about curbing, surface water runoff, signage, lighting, outdoor seating, how will the cueing work, low height landscaping needed along the front, no snow storage on the plan, and concerns with on-site traffic patterns. Mr. Dubay stated that they don't know what bank will be in the space. Board discussion with Mr. Dubay continued regarding the drive-up vehicle cueing and drive-up window placement, the Starbucks menu will be limited at the drive-up, there will be on-site traffic signs, will ATMs be walk-up or drive-up? and like the Searles-like character to the building.

Public comment from Mary Weaver, 123 Indian Rock Road, stated she is an abutter and she owns the tower, she is concerned as the tower is a magnet for vandals, would love to see it restored, kids try to walk on the wall, her property is used as a residence and is concerned about privacy. Mr. Dubay offered to work with Ms. Weaver. She stated that she likes the plan.

The Board completed the checklist for department comments.

Mr. McLeod motioned to adjourn. Ms. Skinner seconded. Passed 5-0. Meeting adjourned at 11:30 pm.

These minutes are in draft form and have not yet been reviewed and approved.

Respectfully submitted, Nancy Charland